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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,677	01/18/2002	Andrew J. Zosel	005557.P006	5443

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EXAMINER
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TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/052,677

Applicant(s)

ZOSEL ET AL.

Examiner

Allyson N. Trail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 23-29 is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☒ Claim(s) 18-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Amendment***

1. Receipt is acknowledged of the amendment filed April 18, 2006.

***Remarks***

2. Applicant's arguments, filed April 18, 2006 have been fully considered and are persuasive with regards claims 1-14 and 18-29. Therefore, the final rejection has been withdrawn and prosecution is being reopened. Currently claims 1-14 and 23-29 are allowable over prior art and claims 18-22 are objected to as being dependent upon a rejected base claim, but are indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (6,736,321) in view of Rigoni et al (EP1128315).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (6,736,321), hereinafter Li in view of Rigoni et al (EP1128315), hereinafter Rigoni.

With respect to claims 15 and 16, Li teaches Figure 7, which illustrates a portion of an imaging assembly. The assembly includes a lens array 62. Also shown in figure 5 is a more detailed view of the imaging assembly, which includes a camera 38. The

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camera assembly 38 includes an optic assembly 43 which focuses an image of a target area 44 onto a photosensor array assembly 48.

Li additionally teaches an image processor for processing an image captured by the camera. (See claim 1)

Li's teachings discussed above fail to teach a confirmation beam for confirming the processing of the image.

Rigoni teaches the following in regards to claims 15 and 17:

"In an apparatus and a method for acquiring and reading optical codes, the indication of the reading result is carried out projecting a luminous figure onto the optical code, that is to say in the position on which the attention of the operator is focused" (Abstract).

Teachings by Li regarding claims 15 and 16 are discussed above. Li however, failed to teach the limitation of the confirmation beam. Rigoni's teachings regarding the confirmation beam are discussed above. In view of Rigoni's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include in Li's scanner, a confirmation beam. Having a confirmation beam gives the operator a positive indication of whether or not the image was read and processed correctly. This indication allows the operator to know whether the code has been decoded before proceeding to read another code and makes the reading process more efficient.

***Allowable Subject Matter***

5. Claims 1-14 and 23-29 are allowable over prior art. Claims 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Although prior art teaches determining the center of view of the lens of a projector, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 1-14 and 18-29 of the present claimed invention. Specifically prior art fails to teach the projector being coupled to a base and adapted to project a plurality of beams of light onto a plane positioned at a focus distance from the base, wherein the projections of the beams of light on the plane are geometric shapes, and wherein an intersection of the geometric shapes is at the center of field of view of the lens independent of the distance between the lens and the plane when the lens is installed on the base. The above limitations are not taught in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

***Response to Arguments***

6. Applicant's arguments, filed April 18, 2006 with respect to claims 1-14 and 18-22 have been fully considered and are persuasive. The rejection of the above claims has been withdrawn. Applicant's arguments with respect to claims 15-17 have been considered, however are not persuasive. Applicants argue that because Rigoni teaches

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projecting a confirmation beam towards the image that the camera is capturing, that the beam must be focused. Applicants point out that Rigoni teaches that its confirmation beam is and should be projected directly on or very closely around the symbol being read, where it is likely to capture the attention of the user. Applicants further conclude that projecting a confirmation beam so closely around the symbol is impossible without focusing the beam. Claim 15 however clearly recites that the "unfocused" confirmation beam is "directed onto the plane of the target". It is unclear how being "projected very closely around the symbol" and "directed onto the plane of the target" vary from each other. In other words, if the beam *must* be focused in order to be directed towards the image, the beam must also be focused to be directed to the plane of the image.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file.*

*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
June 7, 2006



DREW A. DUNN  
SUPERVISORY PATENT EXAMINER